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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,719	12/30/1999	W. LEO HOARTY	1436/139	6764

2101 7590 05/05/2005  
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EXAMINER

HUYNH, SON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/475,719

**Applicant(s)**

HOARTY, W. LEO

**Examiner**

Son P. Huynh

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 02/28/2005 have been fully considered but they are not persuasive.

Applicant argues Johnson interaction with data in a signal that is not capable of full motion video such as a horizontal blanking or vertical blanking interval (page 4, paragraph 3, lines 4-6); the action of changing channels does not modify the signal capable of full motion video that gets received by the television input of the home interface controller (page 5, paragraph 2, lines 4-6); Johnson further fails to disclose, suggest or teach the interactivity over a data link in the cable television system with an interactive process (page 5, paragraph 3, lines 8-10).

In response, the examiner respectfully disagrees. Claim 7 recites "a data transceiver for data communication with one of a plurality of interactive processes over a data link in the cable television system; ... a television input for receiving a signal capable of full motion video from the interactive process in response to the subscriber selection; ...wherein the subscriber interaction with the interactive process modifies the content of the signal capable of full motion video that gets received by the television input." (claim 7, lines 5-15). Johnson discloses two-way interactive terminal for receiving television entertainment signal such as a movie in response to user interactively request sending upstream by data transceiver (203) through transmission link (6) to headend (figures 1-

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2; col. 4, lines 37-54). The requested television signal is received via up/down converter (201), processed and provided to television set for display (figures 3, 10; col. 10, line 64-col. 11, line 40; col. 17, lines 30-33). Johnson further discloses the user uses an input device such as key pad (216) to control data displayed on the screen. For example, if the user subscribed to user selected channel, the selected movie is displayed on the screen in response to user's selection of the channel, if the user has not subscribed to the selected channel, the users is provided with an opportunity to buy the selected movie by selection "buy" key (figures 10-11; col. 13, lines 48-60; col. 14, lines 10-67). Therefore, the claimed limitation of "a data transceiver for data communication with one of a plurality of interactive processes over a data link in the cable television system" is broadly met by up/down converter (201) and data transceiver (203) for data communication with headend over distribution cable (6) in the cable television system (figure 1); the claimed limitation of "a television input for receiving a signal capable of full motion video from the interactive process in response to the subscriber selection" is broadly met by input of up/down converter (201) for receiving a selected television signal such as a pay per view movie from headend in response to user selection; and the claimed limitation of "wherein the subscriber interaction with the interactive process modifies the content of the signal capable of full motion video that gets received by the television input" is broadly met by the headend provides selected television signal (or appropriate data) in response to user's selection such as tuning to a pay per view channel, the content being displayed on the screen changes in response

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to the user selection. For example, the signal being displayed is replaced by appropriate data in response to user's selection.

For the reason given above, rejections on claims 7-10 are maintained as repeatedly discussed below.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al. (US 5,001,554).

Regarding claim 7, Johnson discloses a home interface controller (two- way interactive terminal – figures 1, 2) for use with a television (television receiver – figure 2) of a subscriber, wherein the home interface controller is in television communication and

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data communication with the cable television system (figure 1), the home interface controller comprising:

a data transceiver (up/down converter 201 and data transceiver 203 – figure 2) for data communication with one of a plurality of interactive processes over a data link (6) in the cable television system (3-5, 10-12 – figure 1, col. 5, lines 5-35);

a selection input (206 – figure 2 and col. 5, lines 42-63) for receiving a data signal from a subscriber selection device (e.g. remote control device) that permits subscriber selection and interaction with the interactive process over the data link (6);

a television input (input of up/down converter 201 – figure 2) for receiving a signal capable of full motion video (video signal) from the interactive process (3-5,10-12 – figure 1) in response to the subscriber selection (col. 4, lines 32-54);

a signal output (212,213 – figure 2) for providing the signal capable of full motion video to the television (television receiver), wherein the subscriber interaction with the interactive process modifies the content of the signal capable of full motion video that gets received by the television input (subscriber interact with devices 3-5,10-12 to change video signal displayed on the screen – col. 4, lines 32-54; col. 5, lines 41-64; col. 11, line 25-col. 12, line 23).

Regarding claim 8, Johnson teaches a tuner (combination of Up/down converter 201 and demodulator 202- figures 2, 8 and col. 10, lines 55-63) coupled to the television input for tuning to the signal capable of full motion video wherein the tuner is controlled

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in response to either the data signal from the selection input of the interactive process (col. 5, lines 42-63).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9- 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,001,554) as applied to claim 7 above, and in view of Tindell et al. (US 5,130,792).

Regarding claim 9, Johnson teaches a system as discussed in the rejection of claim 7. Johnson additionally discloses a processor (up/down converter 201 and demodulator 202 – figure 2) coupled to the television input and provided the signal to the signal output. However, Johnson does not specifically disclose a decompressing a digitally compressed digital signal.

Tindell teaches data decompression 82 decompresses received digital compressed data and provides to signal output for playback (figures 5, 7 and col. 5, lines 43-60).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson to use the teaching as taught by Tindell in order to improve efficiency in data transmission.

Regarding claim 10, Johnson teaches a system as discussed in the rejection of claim 7. However, Johnson does not specifically disclose provides digital full motion video.

Tindell teaches data facility provides digital full motion video (digital video programs - figures 1-3 and col. 2, lines 44-68). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson to use the teaching as taught by Tindell in order to improve efficiency in data transmission.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yurt's disclosure (U.S 5,132,992-figure 6), reads on the claimed limitations.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH  
April 25, 2005



CHRIS GRANT  
PRIMARY EXAMINER